

Not to be Published

undersigned on March 14, 2008, February 6, 2009, and September 25, 2009.

The undersigned repeatedly warned petitioner that noncompliance with court Orders would not be tolerated and could lead to dismissal of petitioner's claim. See Order filed February 6, 2009; Order filed September 25, 2009. Further, the undersigned warned petitioner in the court's September 25, 2009 Order that "failure to follow court Orders, as well as failure to file medical records, or an expert medical opinion shall result in dismissal of petitioner's claim." Order filed September 25, 2009 citing Tsekouras v. Sec'y of HHS, 26 Cl. Ct. 439 (1992), 991 F.2d 810 (Fed. Cir. 1993) aff'd per curiam without opin.; Sapharas v. Sec'y of HHS, 35 Fed. Cl. 503 (1996).

Petitioner has failed to file any medical records or the opinion of an expert to support petitioner's claim in the instant case.² Additionally, petitioner has failed to respond to any of the court's Orders in any manner in the instant case. Accordingly, pursuant to Vaccine Rule 21(b), the undersigned dismisses petitioner's claim for failure to prosecute or comply with the Vaccine Rules, or the court's Orders. The Clerk shall enter judgment accordingly.

IT IS SO ORDERED.

Denise K. Vowell
Special Master

² The Vaccine Act provides that a special master cannot find that a petitioner has proven her case by a preponderance of the evidence based upon "the claims of a petitioner alone, unsubstantiated by medical records or medical opinion." 42 U.S.C. § 300aa-13 (a). Petitioner's failure to file medical records has prevented the undersigned from addressing any aspect of the merits of petitioner's claim.